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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,814	12/22/1999	DALE F. MCINTYRE	80353THC	6645
1333	7590	07/26/2004	EXAMINER	
VIG, NAresh				
ART UNIT		PAPER NUMBER		
		3629		

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No. 09/470,814	Applicant(s) MCINTYRE ET AL.	
	Examiner Naresh Vig	Art Unit 3629	Mv
<b>--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</b>			
<p><b>THE REPLY FILED 14 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.</b>          Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.</p>			
<b>PERIOD FOR REPLY [check either a) or b)]</b>			
<p>a) <input type="checkbox"/> The period for reply expires _____ months from the mailing date of the final rejection.</p> <p>b) <input checked="" type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p> <p>ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p>			
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>			
<p>1. <input type="checkbox"/> A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.</p> <p>2. <input type="checkbox"/> The proposed amendment(s) will not be entered because:</p> <ul style="list-style-type: none"> <li>(a) <input type="checkbox"/> they raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) <input type="checkbox"/> they raise the issue of new matter (see Note below);</li> <li>(c) <input type="checkbox"/> they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) <input type="checkbox"/> they present additional claims without canceling a corresponding number of finally rejected claims.</li> </ul> <p>NOTE: _____.</p>			
<p>3. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____.</p> <p>4. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p> <p>5. <input checked="" type="checkbox"/> The a)<input type="checkbox"/> affidavit, b)<input type="checkbox"/> exhibit, or c)<input checked="" type="checkbox"/> request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet</u>.</p> <p>6. <input type="checkbox"/> The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</p> <p>7. <input checked="" type="checkbox"/> For purposes of Appeal, the proposed amendment(s) a)<input checked="" type="checkbox"/> will not be entered or b)<input type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p>			
<p>The status of the claim(s) is (or will be) as follows:</p> <p>Claim(s) allowed: _____.</p> <p>Claim(s) objected to: _____.</p> <p>Claim(s) rejected: <u>1-3, 14-19 and 33-38</u>.</p> <p>Claim(s) withdrawn from consideration: <u>4-13 and 20-32</u>.</p>			
<p>8. <input type="checkbox"/> The drawing correction filed on _____ is a)<input type="checkbox"/> approved or b)<input type="checkbox"/> disapproved by the Examiner.</p> <p>9. <input type="checkbox"/> Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____</p> <p>10. <input type="checkbox"/> Other: _____</p>			
 <b>DEAN T. NGUYEN</b> <i>7/22</i> <b>PRIMARY EXAMINER</b> <i>04</i>			

' Continuation of 5. does NOT place the application in condition for allowance because:

In response to applicant's argument that AOL system requires some type of action by the user for notifying other users of the availability to access the stored image. As previously noted, this is in contrast to the present invention where there is no requirement or necessity for providing any information by any one user to any of the other users for allowing access for sharing of images.

However, applicant's invention requires some kind of action as recited in claim 1, step a where the user is provided with user-id for accessing the image (AOL also gives user-id to its users), atleast one of the user transferring the image as recited in claim 1, step c. It would have been obvious to one of ordinary skill in the art at the time the invention was made a user of AOL system uploads the image in the AOL system to be viewed by the another user.

In response to applicant's argument that reference cited does not teach registering event with the network photo service provider and assigning a specific URL for the registered event which identifies the shared image memory location. However, ComputerWire teaches users can order additional albums. It would have been obvious to one of ordinary skill in the art at the time the invention was made that people organize events in separate photo albums e.g. parents keep separate wedding photo albums of their kids etc.

In response to applicant's argument that in the prior art when images are shared over a network system among a plurality of users, one of the users must forward some type of e-mail to the other party advising them that such images are accessible at the service provider. In the present invention, this is not required or used as each of the plurality of users have an event URL which identifies the shared location where images are to be stored. The users, with the use of a user ID and/or password, are able to access the images that have already been provided for sharing.

However, AOL users inform other users where the images are located, applicant also informs other users where the images are located (claim 33, step b).

In response to applicant argument that plurality of independent users or unrelated contributors that provide images to the shared memory location. Thus, the present invention has provided a unique method for sharing images among a plurality of different users which eliminate the need for any of the users having to electronic e-mail, notification or provide user password to others for access images to be shared with that user. This is not taught or suggested by the cited references.

However, this limitation is not claimed by the applicant. Applicant claims registered users. It would have been obvious to one of ordinary skill in the art at the time the invention was made that registered users are not independent users or unrelated contributors.

In response to applicant's argument that there is no teaching or suggestion of providing access to a stored memory location where images are stored and allowing individuals to either upload or download images from that location. Thus, it is respectfully submitted that the Carson reference is of little relevance to the present invention.

However, Carson teaches that transaction card can be used as an in a electronic commerce environment.

Note: For item 7, Applicant response filed 14 June 2004 was not an amendment but merely a request for reconsideration .

The term "Amendment " used in the sub-heading is incorrect .